

1 **SECTION 1471.** 76.636 (2) (c) of the statutes is amended to read:

2 76.636 (2) (c) The amount determined by multiplying the amount determined
3 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time
4 jobs created in a development zone and not filled by a member of a targeted group
5 and by then subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
6 ~~reimbursements paid under s. 49.147 (3m) (c)~~ for those jobs.

7 **SECTION 1472.** 76.636 (2) (d) of the statutes is amended to read:

8 76.636 (2) (d) The amount determined by multiplying the amount determined
9 under s. 238.385 (1) (bm) or s. 560.785 (1) (bm), 2009 stats., by the number of
10 full-time jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009
11 stats., excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in an
12 enterprise development zone under s. 238.397 or s. 560.797, 2009 stats., and for
13 which significant capital investment was made and by then subtracting the
14 subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and reimbursements paid~~
15 ~~under s. 49.147 (3m) (c)~~ for those jobs.

16 **SECTION 1473.** 76.636 (2) (e) of the statutes is amended to read:

17 76.636 (2) (e) The amount determined by multiplying the amount determined
18 under s. 238.385 (1) (c) or s. 560.785 (1) (c), 2009 stats., by the number of full-time
19 jobs retained, as provided in the rules under s. 238.385 or s. 560.785, 2009 stats.,
20 excluding jobs for which a credit has been claimed under s. 71.47 (1dj), in a
21 development zone and not filled by a member of a targeted group and by then
22 subtracting the subsidies paid under s. 49.147 (3) (a) ~~or the subsidies and~~
23 ~~reimbursements paid under s. 49.147 (3m) (c)~~ for those jobs.

24 **SECTION 1473c.** 76.655 (1) of the statutes is amended to read:

1 76.655 (1) DEFINITIONS. In this section, “claimant” means an insurer, as defined
2 in s. 149.10 (5), 2011 stats., who files a claim under this section.

3 **SECTION 1473d.** 76.655 (2) of the statutes is amended to read:

4 76.655 (2) FILING CLAIMS. Subject to the limitations provided under this section,
5 for taxable years beginning after December 31, 2005, and before January 1, 2014, a
6 claimant may claim as a credit against the fees imposed under ss. 76.60, 76.63, 76.65,
7 76.66 or 76.67 an amount that is equal to the amount of assessment under s. 149.13,
8 2011 stats., that the claimant paid in the claimant’s taxable year, multiplied by the
9 percentage determined under sub. (3).

10 **SECTION 1473e.** 76.655 (3) (a) of the statutes is amended to read:

11 76.655 (3) (a) The department of revenue, in consultation with the office of the
12 commissioner of insurance, shall determine the percentage under sub. (2) for each
13 claimant for each taxable year. The percentage shall be equal to \$5,000,000 divided
14 by the aggregate assessment under s. 149.13, 2011 stats. The office of the
15 commissioner of insurance shall provide to each claimant that participates in the
16 cost of administering the plan the aggregate assessment at the time that it notifies
17 the claimant of the claimant’s assessment. The aggregate amount of the credit under
18 this subsection and ss. 71.07 (5g), 71.28 (5g), and 71.47 (5g) for all claimants
19 participating in the cost of administering the plan under ch. 149, 2011 stats., shall
20 not exceed \$5,000,000 in each fiscal year.

21 **SECTION 1473f.** 76.655 (5) of the statutes is created to read:

22 76.655 (5) SUNSET. No credit may be claimed under this section for taxable
23 years beginning after December 31, 2013. Credits under this section for taxable
24 years that begin before January 1, 2014, may be carried forward to taxable years that
25 begin after December 31, 2013.

1 **SECTION 1474.** 76.84 (5) of the statutes is created to read:

2 76.84 (5) Section 71.91, as it applies to the collection of delinquent taxes under
3 ch. 71, applies to the collection of delinquent taxes under this subchapter.

4 **SECTION 1475.** 77.51 (2d) of the statutes is created to read:

5 77.51 (2d) “Custom farming services” include services performed by a
6 veterinarian to animals that are farm livestock or work stock and used exclusively
7 in the business of farming.

8 **SECTION 1476.** 77.51 (10f) of the statutes is amended to read:

9 77.51 (10f) “Prepaid wireless calling service” means a telecommunications
10 service that provides the right to utilize mobile wireless service as well as other
11 nontelecommunications services, including the download of digital products
12 delivered electronically, content, and ancillary services, and that is paid for prior to
13 use and sold in predetermined dollar units ~~whereby the number of units declines or~~
14 dollars that decrease with use in a known amount.

15 **SECTION 1477.** 77.51 (10m) (a) 3. (intro.) of the statutes is amended to read:

16 77.51 (10m) (a) 3. (intro.) Food and food ingredients sold with eating utensils
17 that are provided by the retailer of the food and food ingredients, including plates,
18 bowls, knives, forks, spoons, glasses, cups, napkins, or straws. In this subdivision,
19 “plate” does not include a container or packaging used to transport food and food
20 ingredients. For purposes of this subdivision, a retailer provides utensils if any of
21 the following applies:

22 **SECTION 1478.** 77.51 (10m) (a) 3. b. of the statutes is amended to read:

23 77.51 (10m) (a) 3. b. For retailers not described under subd. 3. a., the retailer’s
24 customary practice is to physically give or hand the utensils to the purchaser, except

1 that plates, bowls, glasses, or cups that are necessary for the purchaser to receive the
2 food and food ingredients need only be made available to the purchaser.

3 **SECTION 1479.** 77.51 (11d) of the statutes is amended to read:

4 77.51 (11d) For purposes of subs. (1ag), (1f), (3pf), and (9p) and ss. 77.52 (20)
5 and (21), 77.522, and 77.54 (51) ~~and~~, (52), and (60), “product” includes tangible
6 personal property, and items, property, and goods under s. 77.52 (1) (b), (c), and (d),
7 and services.

8 **SECTION 1480.** 77.51 (11m) of the statutes is amended to read:

9 77.51 (11m) “Prosthetic device” means a replacement, corrective, or supportive
10 device, including the repair parts and replacement parts for the device, that is placed
11 in or worn on the body to artificially replace a missing portion of the body; to prevent
12 or correct a physical deformity or malfunction; or to support a weak or deformed
13 portion of the body.

14 **SECTION 1481.** 77.51 (12m) (a) 2. of the statutes is amended to read:

15 77.51 (12m) (a) 2. The cost of materials used, labor or service cost, interest,
16 losses, all costs of transportation to the seller, all taxes imposed on the seller, except
17 as provided in par. (b) 3m., and any other expense of the seller.

18 **SECTION 1482.** 77.51 (12m) (b) 3m. of the statutes is created to read:

19 77.51 (12m) (b) 3m. Taxes imposed on the seller that are separately stated on
20 the invoice, bill of sale, or similar document that the seller gives to the purchaser if
21 the law imposing or authorizing the tax provides that the seller may, but is not
22 required to, pass on to and collect the tax from the user or consumer.

23 **SECTION 1483.** 77.51 (15b) (a) 2. of the statutes is amended to read:

1 77.51 (15b) (a) 2. The cost of materials used, labor or service cost, interest,
2 losses, all costs of transportation to the seller, all taxes imposed on the seller, except
3 as provided in par. (b) 3m., and any other expense of the seller.

4 **SECTION 1484.** 77.51 (15b) (b) 3m. of the statutes is created to read:

5 77.51 (15b) (b) 3m. Taxes imposed on the seller that are separately stated on
6 the invoice, bill of sale, or similar document that the seller gives to the purchaser if
7 the law imposing or authorizing the tax provides that the seller may, but is not
8 required to, pass on to and collect the tax from the user or consumer.

9 **SECTION 1484d.** 77.52 (2) (a) 6. of the statutes is amended to read:

10 77.52 (2) (a) 6. Laundry, dry cleaning, pressing, and dyeing services, except
11 when performed on raw materials or goods in process destined for sale, except when
12 performed on cloth diapers by a diaper service, and except when the service is
13 performed by the customer through the use of ~~coin-operated~~, self-service machines.

14 **SECTION 1485.** 77.52 (2) (a) 11. of the statutes is amended to read:

15 77.52 (2) (a) 11. The producing, fabricating, processing, printing, or imprinting
16 of tangible personal property or items, property, or goods under s. ~~77.52 sub.~~ (1) (b),
17 (c), or (d) for a consideration for consumers who furnish directly or indirectly the
18 materials used in the producing, fabricating, processing, printing, or imprinting.
19 This subdivision does not apply to the printing or imprinting of tangible personal
20 property or items, property, or goods under s. ~~77.52 sub.~~ (1) (b), (c), or (d) that results
21 in printed material, catalogs, or envelopes that are exempt under s. 77.54 (25) ~~or~~,
22 (25m), or (59).

23 **SECTION 1486.** 77.52 (21) (b) of the statutes is amended to read:

24 77.52 (21) (b) ~~A~~ Except as provided in sub. (2m) (a), a person who provides a
25 product that is not distinct and identifiable because it is provided free of charge to

1 a purchaser who must also purchase another product that is subject to the tax
2 imposed under this subchapter from that person in the same transaction may
3 purchase the product provided free of charge without tax, for resale.

4 **SECTION 1487.** 77.522 (4) (a) 9. of the statutes is amended to read:

5 77.522 (4) (a) 9. “Place of primary use” means ~~place of primary use, as~~
6 ~~determined under 4 USC 116 to 126, as amended by P.L. 106–252~~ the residential
7 street address or the primary business street address of the customer. In the case
8 of mobile telecommunications services, “place of primary use” means a street address
9 within the licensed service area of the home service provider.

10 **SECTION 1488.** 77.53 (16) of the statutes is amended to read:

11 77.53 (16) If the purchase, rental or lease of tangible personal property, or
12 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or service subject to the tax
13 imposed by this section was subject to a sales tax by another state in which the
14 purchase was made, the amount of sales tax paid the other state shall be applied as
15 a credit against and deducted from the tax, to the extent thereof, imposed by this
16 section, except no credit may be applied against and deducted from a sales tax paid
17 on the purchase of advertising and promotional direct mail, if the advertising and
18 promotional direct mail purchaser did not provide to the seller a direct pay permit,
19 an exemption certificate claiming advertising and promotional direct mail, or other
20 information that indicates the appropriate taxing jurisdiction to which the
21 advertising and promotional direct mail is delivered to the ultimate recipients. In
22 this subsection “sales tax” includes a use or excise tax imposed on the use of tangible
23 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
24 taxable service by the state to which the sale was sourced and “state” includes the

1 District of Columbia and the commonwealth of Puerto Rico but does not include the
2 several territories organized by congress.

3 **SECTION 1488c.** 77.54 (9a) (a) of the statutes is amended to read:

4 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
5 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
6 Insurance Risk-Sharing Plan Authority, the Wisconsin Economic Development
7 Corporation, and the Fox River Navigational System Authority.

8 **SECTION 1489.** 77.54 (57) (a) 1f. of the statutes is renumbered 77.51 (1c).

9 **SECTION 1490.** 77.54 (57) (a) 1m. of the statutes is renumbered 77.51 (1d).

10 **SECTION 1491.** 77.54 (57) (a) 4. of the statutes is renumbered 77.51 (10rn).

11 **SECTION 1492d.** 77.54 (57) (a) 5. of the statutes is amended to read:

12 77.54 (57) (a) 5. “Qualified research” means ~~qualified research as defined~~
13 ~~under section 41 (d) (1) of the Internal Revenue Code~~ has the meaning given in sub.
14 (57d) (a) 4.

15 **SECTION 1493.** 77.54 (57) (b) 1. of the statutes is repealed.

16 **SECTION 1494.** 77.54 (57) (b) 2. of the statutes is repealed.

17 **SECTION 1495.** 77.54 (57) (b) 4. of the statutes is amended to read:

18 77.54 (57) (b) 4. The items listed in sub. (3m) (a) to (m), ~~medicines~~ drugs, semen
19 for artificial insemination, fuel, and electricity that are used exclusively and directly
20 in raising animals that are sold primarily to a biotechnology business, a public or
21 private institution of higher education, or a governmental unit for exclusive and
22 direct use by any such entity in qualified research or manufacturing.

23 **SECTION 1496.** 77.54 (57d) of the statutes is created to read:

24 77.54 (57d) (a) In this subsection:

25 1. “Building” has the meaning given in s. 70.111 (10) (a) 1.

1 2. “Combined group” has the meaning given in s. 71.255 (1) (a).

2 3. “Machinery” has the meaning given in s. 70.11 (27) (a) 2.

3 4. “Qualified research” means qualified research as defined under section 41
4 (d) (1) of the Internal Revenue Code, except that it includes qualified research that
5 is funded by a member of a combined group for another member of a combined group.

6 5. “Used exclusively” has the meaning given in sub. (3) (b) 3.

7 (b) The sales price from the sale of and the storage, use, or other consumption
8 of machinery and equipment, including attachments, parts, and accessories, and
9 other tangible personal property or items or property under s. 77.52 (1) (b) or (c) that
10 are sold to any of the following and that are consumed or destroyed or lose their
11 identities while being used exclusively and directly in qualified research:

12 1. A person engaged in manufacturing in this state at a building assessed under
13 s. 70.995.

14 2. A person engaged primarily in biotechnology in this state.

15 3. A combined group member who is conducting qualified research for another
16 combined group member and that other combined group member is a person
17 described under subd. 1. or 2.

18 **SECTION 1497.** 77.54 (60) of the statutes is created to read:

19 77.54 **(60)** (a) In this subsection, “lump sum contract” means a contract to
20 perform real property construction activities and to provide tangible personal
21 property, items or property under s. 77.52 (1) (b) or (c), or taxable services and for
22 which the contractor quotes the charge for labor, services of subcontractors, tangible
23 personal property, items and property under s. 77.52 (1) (b) and (c), and taxable
24 services as one price, including a contract for which the contractor itemizes the
25 charges for labor, services of subcontractors, tangible personal property, items and

1 property under s. 77.52 (1) (b) and (c), and taxable services as part of a schedule of
2 values or similar document.

3 (b) The sales price from the sale of and the storage, use, or other consumption
4 of tangible personal property, items and property under s. 77.52 (1) (b) and (c), and
5 taxable services that are sold by a contractor as part of a lump sum contract, if the
6 total sales price of all such taxable products is less than 10 percent of the total
7 amount of the lump sum contract. Except as provided in par. (c), the contractor is
8 the consumer of such taxable products and shall pay the tax imposed under this
9 subchapter on the taxable products.

10 (c) If the lump sum contract is entered into with an entity that is exempt from
11 taxation under sub. (9a), the contractor is the consumer of all taxable products used
12 by the contractor in real property construction activities, but the contractor may
13 purchase without tax, for resale, tangible personal property, items and property
14 under s. 77.52 (1) (b) and (c), and taxable services that are sold by the contractor as
15 part of the lump sum contract with the entity and that are not consumed by the
16 contractor in real property construction activities.

17 **SECTION 1497d.** 77.54 (61) of the statutes is created to read:

18 77.54 (61) The sales price from the sale of and the storage, use, or other
19 consumption of the following by a person primarily engaged in commercial printing,
20 not including screen printing or book printing, without publishing, except for gray
21 goods; printing, or printing and binding, books or pamphlets without publishing the
22 books or pamphlets; or performing prepress and postpress services in support of
23 printing activities:

24 (a) Computers and servers that are used to store copies of the product that are
25 sent to a printing press.

1 (b) Tangible personal property purchased from out-of-state sellers that are
2 temporarily stored, remain idle, and not used in this state for not more than 180 days
3 and that are then delivered and used outside of this state.

4 **SECTION 1498.** 77.58 (1) (a) of the statutes is amended to read:

5 77.58 (1) (a) If the amount of tax for any calendar quarter exceeds \$600 \$1,200,
6 the department may require by written notice to the taxpayer that the taxes imposed
7 on and after the date specified in the notice are due and payable on the last day of
8 the month next succeeding the calendar month for which imposed.

9 **SECTION 1499d.** 77.585 (10) of the statutes is created to read:

10 77.585 (10) A retailer who receives an exemption certificate that complies with
11 s. 77.52 (14) after reporting a sale covered by the exemption certificate as taxable,
12 having paid the tax to the department, and having returned to the buyer in cash or
13 in credit all tax previously paid by the buyer, may claim a deduction on the return
14 filed for the reporting period in which the exemption certificate is received, for the
15 sales price or purchase price previously reported as taxable. This subsection does not
16 apply if the reporting period in which the exemption certificate is received is in a
17 taxable year of the retailer that is subsequent to the taxable year of the retailer in
18 which the sale covered by the exemption certificate occurred. For purposes of this
19 subsection, the taxable year of the retailer is the same as the retailer's taxable year
20 under ch. 71.

21 **SECTION 1500.** 77.59 (4) (a) of the statutes is amended to read:

22 77.59 (4) (a) Except as provided in sub. (3m), at any time within 4 years after
23 the due date, ~~or in the case of buyers the unextended due date~~, of a person's
24 corresponding Wisconsin income or franchise tax return or, if exempt, within 4 years
25 of the 15th day of the 4th month of the year following the close of the calendar or fiscal

1 year for which that person files a claim, that person may, unless a determination by
2 the department by office or field audit of a seller has been made and unless a
3 determination by office audit of a buyer other than an audit in which the tax that is
4 the subject of the refund claim was not adjusted has been made and unless a
5 determination by field audit of the buyer has been made, file with the department
6 a claim for refund of taxes paid to the department by that person. If the amount of
7 the claim is at least \$50 or if either the seller has ceased doing business, the buyer
8 is being field audited or the seller may no longer file a claim, the buyer may, within
9 the time period under this subsection, file a claim with the department for a refund
10 of the taxes paid to the seller. A claim is timely if it fulfills the requirements under
11 s. 77.61 (14). A buyer may claim a refund under this paragraph only on a form
12 prescribed by the department, only by signing that form and only if the seller signs
13 the form unless the department waives that requirement. If both a buyer and a seller
14 file a valid claim for the same refund, the department may pay either claim. The
15 claim for refund shall be regarded as a request for determination. The determination
16 thus requested shall be made by the department within one year after the claim for
17 refund is received by it unless the taxpayer has consented in writing to an extension
18 of the one-year time period prior to its expiration.


19 **SECTION 1500b.** 77.59 (6) (b) of the statutes is amended to read:

20 77.59 (6) (b) Appeals from the department's redeterminations shall be
21 governed by the statutes applicable to income or franchise tax appeals but all appeals
22 from decisions of the tax appeals commission with respect to the taxes imposed by
23 this subchapter shall be appealed to the circuit court for Dane County or to the circuit
24 court for the county where the taxpayer's commercial domicile, as defined in s. 71.01



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1 (1b), is located, where the taxpayer owns other property, or where the taxpayer
2 transacts business in this state.



3 **SECTION 1501.** 77.62 (intro.) of the statutes is amended to read:

4 **77.62 Collection of delinquent sales and use taxes.** (intro.) The
5 department of revenue may exercise the powers vested in it by ss. 71.80 (12), 71.82
6 (2), 71.91 (1) (a) and (c), (2) to ~~(5m)~~ and (7), 71.92 and 73.0301 in connection with
7 collection of delinquent sales and use taxes including, without limitation because of
8 enumeration, the power incorporated by reference in s. 71.91 (5) (j), and the power
9 to:

10 **SECTION 1501b.** 77.88 (3g) of the statutes is created to read:

11 **77.88 (3g) WITHDRAWAL FOR CONSTRUCTION OF A RESIDENCE.** (a) In this
12 subsection, “parcel” means the acreage of contiguous land that is under the same
13 ownership and that is described in the application for designation of that land as
14 managed forest land.

15 (am) Except as provided in par. (b), upon the request of an owner to withdraw
16 at least one acre of the owner’s land as managed forest land, the department shall
17 order withdrawal of the land if all of the following apply:

18 1. The purpose for which the owner requests that the department withdraw the
19 land is to construct a human residence.

20 2. The land was designated as managed forest land before October 11, 1997.

21 3. If the land is not subject to a city, village, town, or county zoning ordinance
22 that establishes a minimum acreage for the construction of a human residence, the
23 owner requests that the department withdraw not more than 3 acres of land.

24 4. If the land is subject to a city, village, town, or county zoning ordinance that
25 establishes a minimum acreage for the construction of a human residence that is

1 more than one acre, the owner requests that the department withdraw not more than
2 the acreage of land required by the applicable zoning ordinance for construction of
3 a human residence.

4 (b) The department may not order withdrawal of land under par. (am) from a
5 parcel of managed forest land if the department has previously ordered withdrawal
6 of land under par. (am) from that parcel of managed forest land.

7 **SECTION 1501c.** 77.88 (8) (b) of the statutes is amended to read:

8 77.88 (8) (b) The department may not order withdrawal of land remaining after
9 a transfer of ownership is made under par. (a) 1., 2., or 3. ~~or~~, after a lease is entered
10 into under par. (a) 3., or after the department orders withdrawal of land under sub.
11 (3g) (am) unless the remainder fails to meet the eligibility requirements under s.
12 77.82 (1).

13 **SECTION 1501d.** 77.92 (1) of the statutes is repealed.

14 **SECTION 1501e.** 77.92 (4) of the statutes is repealed.

15 **SECTION 1501f.** 77.92 (4m) of the statutes is repealed.

16 **SECTION 1501g.** 77.92 (5) of the statutes is repealed.

17 **SECTION 1501h.** 77.93 (2) of the statutes is repealed.

18 **SECTION 1501i.** 77.93 (3) of the statutes is repealed.

19 **SECTION 1501k.** 77.93 (5) of the statutes is repealed.

20 **SECTION 1501L.** 77.94 (1) (intro.) and (a) of the statutes are consolidated,
21 renumbered 77.94 (1) and amended to read:

22 77.94 (1) (intro.) Except as provided in sub. (2), ~~for taxable years beginning~~
23 ~~after December 31, 1999,~~ the surcharge imposed under s. 77.93 is calculated as
24 follows:

1 ~~(a) On a corporation under s. 77.93 (1) and (4),~~ an amount equal to the amount
2 calculated by multiplying gross tax liability for the taxable year of the corporation
3 by 3%, or in the case of a tax-option corporation an amount equal to the amount
4 calculated by multiplying net income under s. 71.34 by 0.2%, up to a maximum of
5 \$9,800, or \$25, whichever is greater.

6 **SECTION 1501m.** 77.94 (1) (b) of the statutes is repealed.

7 **SECTION 1501n.** 77.94 (2) (a) 2. of the statutes is amended to read:

8 77.94 (2) (a) 2. “Ceases to do business” includes but is not limited to a change
9 in corporate form, ~~the death of an individual~~ and the occurrence of any event that
10 creates a short taxable year for purposes of the taxes under ch. 71.

11 **SECTION 1501p.** 77.94 (2) (b) (intro.) of the statutes is amended to read:

12 77.94 (2) (b) (intro.) If an entity ~~under s. 77.93 (1) to (4)~~ begins to do business
13 in this state after the beginning of its taxable year or ceases to do business in this
14 state before the end of its taxable year, subject to the maximum and minimum
15 surcharge, the surcharge imposed on it under s. 77.93 is calculated as follows:

16 **SECTION 1501q.** 77.94 (2) (b) 1. of the statutes is amended to read:

17 77.94 (2) (b) 1. Multiply its gross tax liability ~~or net business income~~ for the
18 taxable year by a fraction the numerator of which is 365 and, if the entity begins to
19 do business in this state after the beginning of its taxable year, the denominator of
20 which is the number of days from the day that it begins to do business in this state
21 until the end of its taxable year and, if the entity ceases to do business in this state
22 before the end of its taxable year, the denominator of which is the number of days
23 from the beginning of its taxable year until the day that it ceases to do business in
24 this state and, if the entity both begins to do business in this state after the beginning
25 of its taxable year and ceases to do business in this state before the end of its taxable

1 year, the denominator of which is the number of days from the day that it begins to
2 do business in this state to the day that it ceases to do business in this state.

3 **SECTION 1501r.** 77.947 of the statutes is repealed.

4 **SECTION 1501s.** 77.96 (5) of the statutes is amended to read:

5 77.96 (5) Each person subject to a surcharge under s. 77.93 shall, on or before
6 the due date, including extensions, for filing under ch. 71, file an accurate statement
7 of its gross tax liability ~~or net business income~~. Payments made after the due date
8 under sub. (2) and on or before the due date under this subsection are not delinquent
9 but are subject to interest at the rate of 12% per year.

10 **SECTION 1502.** 77.982 (2) of the statutes is amended to read:

11 77.982 (2) Sections 77.51 (1f), (3pf), (9p), (12m), (14), (14g), (15a), and (15b),
12 77.52 (1b), (3), (5), (13), (14), and (18) to (23), 77.54 (51) and (52), 77.58 (1) to (5), (6m),
13 and (7), 77.522, 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), ~~and~~ (12) to (15),
14 and (19m), and 77.62, as they apply to the taxes under subch. III, apply to the tax
15 under this subchapter. Section 77.73, as it applies to the taxes under subch. V,
16 applies to the tax under this subchapter.

17 **SECTION 1503.** 77.991 (2) of the statutes is amended to read:

18 77.991 (2) Sections 77.51 (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (5),
19 (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.522, 77.585, 77.59, 77.60,
20 77.61 (2), (3m), (5), (6), (8), (9), ~~and~~ (12) to (15), and (19m), and 77.62, as they apply
21 to the taxes under subch. III, apply to the tax under this subchapter. Section 77.73,
22 as it applies to the taxes under subch. V, applies to the tax under this subchapter.
23 The renter shall collect the tax under this subchapter from the person to whom the
24 passenger car is rented.

25 **SECTION 1503g.** 77.994 (3) of the statutes is renumbered 77.994 (3) (a).

SECTION 1503h. 77.994 (3) (b) of the statutes is created to read:

77.994 (3) (b) 1. Subject to subd. 2., any municipality that enacted an ordinance imposing the tax under sub. (1) that became effective before January 1, 2000, may amend the ordinance to increase the tax rate under this section to a maximum of 1.25 percent. The amended ordinance is effective on the dates provided under s. 77.9941 (1).

2. Before an amendment to an ordinance that is described in subd. 1. may take effect, all of the following must occur:

a. The governing body of the municipality must adopt a resolution proclaiming its intent to increase the rate of premier resort area tax.

b. The resolution must be approved by a majority of the electors in the municipality voting on the resolution at a referendum, to be held at the first spring primary or election or partisan primary or general election following by at least 70 days the date of adoption of the resolution.

SECTION 1504. 77.9951 (2) of the statutes is amended to read:

77.9951 (2) Sections 77.51 (3r), (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (5), (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.522, 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (6), (8), (9), ~~and (12) to (15), and (19m)~~, and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the vehicle is rented.

SECTION 1505. 77.996 (6) of the statutes is amended to read:

77.996 (6) “Gross receipts” means the sales price, as defined in s. 77.51 (15b), except as provided in s. 77.585 (7), of tangible personal property and taxable services

1 sold by a dry cleaning facility. “Gross receipts” does not include the license fee
2 imposed under s. 77.9961 (1m) that is passed on to customers.

3 **SECTION 1506.** 78.07 (1) of the statutes is amended to read:

4 78.07 (1) ~~Motor~~ Except as provided in subs. (1a) and (3), motor vehicle fuel that
5 is produced, refined, blended or manufactured, or imported for manufacturing, by
6 any person at a refinery, marine terminal, pipeline terminal, pipeline tank farm or
7 place of manufacture is received by a supplier when the motor vehicle fuel is removed
8 from a refinery, marine terminal, pipeline terminal, pipeline tank farm or place of
9 manufacture and placed in tank cars, tank trucks, tank wagons or other types of
10 transportation equipment, containers or facilities at such refinery, marine terminal,
11 pipeline terminal, pipeline tank farm or place of manufacture or when the motor
12 vehicle fuel is placed in any tank or other container from which sales or deliveries
13 not involving transportation of the motor vehicle fuel are made directly.

14 **SECTION 1507.** 78.07 (1a) of the statutes is created to read:

15 78.07 (1a) Motor vehicle fuel shipped by pipeline spur to an airport hydrant
16 system is received when the motor vehicle fuel is received from the main pipeline into
17 the initial or primary storage facility or holding terminal by the owner of the storage
18 facility or holding terminal.

19 **SECTION 1508.** 78.07 (3) of the statutes is amended to read:

20 78.07 (3) ~~Except as provided in sub.~~ subs. (1) and (1a), motor vehicle fuel
21 imported is received at the time and place of unloading by the person for whose
22 account that shipment or delivery is made.

23 **SECTION 1509.** 78.68 (10) of the statutes is amended to read:

24 78.68 (10) Except as provided in ss. 78.19, 78.20 (2) and 78.75 (1m) (b), s. 71.75
25 (2), and (4) to (7) ~~and (10)~~ as it applies to the taxes under ch. 71 applies to the taxes

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1 under this chapter. ~~Section~~ Sections 71.74 (13), 71.75 (9) and (10), 71.80 (3), 71.93,
2 71.935, and 73.03 (52), (52m), and (52n), as it ~~applies~~ they apply to refunds of the
3 taxes under ch. 71 ~~applies~~ apply to the refund of the taxes under this chapter.

4 **SECTION 1511d.** 79.05 (6) (c) of the statutes is created to read:

5 79.05 (6) (c) If a municipality receives payments from another governmental
6 unit for providing a service to that other governmental unit, pursuant to a contract
7 with the municipality, the municipality receiving the payments shall not include the
8 amounts of the payments in its budget for the year in which it receives the payments,
9 for the purpose of determining eligibility under sub. (2) (c).

10 **SECTION 1512.** 79.095 (2) (a) of the statutes is amended to read:

11 79.095 (2) (a) On or before ~~May 1~~ the 2nd Monday in June, the value of the
12 property that is exempt under s. 70.11 (39) and (39m) in each taxing jurisdiction for
13 which the municipality assesses property.

14 **SECTION 1513.** 79.095 (4) of the statutes is amended to read:

15 79.095 (4) PAYMENT. The department shall calculate the payments due each
16 taxing jurisdiction under this section by multiplying the full value as of the January
17 1 of the preceding year of the property that is exempt under s. 70.11 (39) and (39m)
18 and that is located in the jurisdiction by the full-value gross tax rate of the
19 jurisdiction for the preceding year. The department shall certify the amount of the
20 payment due each taxing jurisdiction to the department of administration, which
21 shall make the payments on or before ~~the first Monday in May except that, beginning~~
22 ~~in 2007, the department of administration shall make the payments on or before the~~
23 4th Monday in July. For purposes of ch. 121, school districts shall treat the payments
24 made in July under this subsection as if they had been received in the previous school
25 year.

1 **SECTION 1513d.** 79.10 (2) (a) of the statutes is amended to read:

2 79.10 (2) (a) On or before ~~December 1~~ November 20 of the year preceding the
3 distribution under sub. (7m) (a) or (cm), the department of revenue shall notify the
4 clerk of each town, village and city of the estimated fair market value, as determined
5 under sub. (11) (c), to be used to calculate the lottery and gaming credit under sub.
6 (5) and of the amount to be distributed to it under sub. (7m) (a) or (cm). The
7 anticipated receipt of such distribution shall not be taken into consideration in
8 determining the tax rate of the municipality but shall be applied as tax credits.

9 **SECTION 1513e.** 79.10 (2) (b) of the statutes is amended to read:

10 79.10 (2) (b) On or before ~~December 1~~ November 20 of the year preceding the
11 distribution under sub. (7m) (c) or (cm), the department of revenue shall notify the
12 clerk of each town, village, and city of the estimated fair market value, as determined
13 under sub. (11) (d), used to calculate the first dollar credit under sub. (5m) and of the
14 amount to be distributed to it under sub. (7m) (c) or (cm). The anticipated receipt of
15 such distribution shall not be taken into consideration in determining the tax rate
16 of the municipality but shall be applied as tax credits.

17 **SECTION 1514.** 79.10 (4) of the statutes is amended to read:

18 79.10 (4) SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the amounts
19 amount appropriated under s. 20.835 (3) (b) and ~~(qb)~~ shall be distributed to
20 municipalities in proportion to their share of the sum of average school tax levies for
21 all municipalities.

22 **SECTION 1514c.** 79.10 (9) (b) of the statutes is amended to read:

23 79.10 (9) (b) *Property tax relief credit.* Except as provided in ss. 79.175 and
24 79.18, every property taxpayer of the municipality having assessed property shall
25 receive a tax credit in an amount determined by applying the percentage of the

1 amount of the value of property assessed to the taxpayer to the amount of the
2 distribution to be made to the municipality under sub. (7m) (a), as stated in the
3 ~~December 1~~ November 20 notification from the department of revenue, except that
4 no taxpayer may receive a credit larger than the total amount of property taxes to
5 be paid on each parcel for which tax is levied for that year by that taxpayer.

6 **SECTION 1514d.** 79.10 (11) (b) of the statutes is amended to read:

7 79.10 (11) (b) Before October ~~16~~ 1, the department of administration shall
8 determine the total funds available for distribution under the lottery and gaming
9 credit in the following year and shall inform the joint committee on finance of that
10 total. Total funds available for distribution shall be all moneys projected to be
11 transferred to the lottery fund under ss. 20.455 (2) (g) and 20.505 (8) (am), (g) and
12 (jm) and all existing and projected lottery proceeds and interest for the fiscal year of
13 the distribution, less the amount estimated to be expended under ss. 20.455 (2) (r),
14 20.566 (2) (r), and 20.835 (2) (q) and less the required reserve under s. 20.003 (5).
15 The joint committee on finance may revise the total amount to be distributed if it does
16 so at a meeting that takes place before ~~November 1~~ October 16. If the joint committee
17 on finance does not schedule a meeting to take place before ~~November 1~~ October 16,
18 the total determined by the department of administration shall be the total amount
19 estimated to be distributed under the lottery and gaming credit in the following year.

20 **SECTION 1514e.** 79.10 (11) (c) of the statutes is amended to read:

21 79.10 (11) (c) Before ~~November 1~~ October 16, the department of administration
22 shall inform the department of revenue of the total amount available for distribution
23 under the lottery and gaming credit in the following year. Before ~~December 1~~
24 November 20, the department of revenue shall calculate, to the nearest \$100, the

1 estimated fair market value necessary to distribute the total amount available for
2 distribution under the lottery and gaming credit in the following year.

3 **SECTION 1514f.** 79.10 (11) (d) of the statutes is amended to read:

4 79.10 (11) (d) Before ~~December 1~~ November 20, the department of revenue
5 shall calculate, to the nearest \$100, the estimated fair market value necessary to
6 distribute the total amount available for distribution under s. 79.15.

7 **SECTION 1514g.** 79.14 of the statutes is amended to read:

8 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for
9 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;
10 \$469,305,000 beginning in 1997 and ending in 2006; \$593,050,000 in 2007;
11 \$672,400,000 in 2008; \$747,400,000 in 2009; and \$732,550,000 in 2010, 2011, and
12 2012; and \$747,400,000 in 2013 and in each year thereafter.

13 **SECTION 1515.** 83.015 (2) (b) of the statutes is amended to read:

14 83.015 (2) (b) In any county with a highway commissioner appointed under s.
15 83.01 (1) (b) or (c), the county highway committee shall be only a policy-making body
16 determining the broad outlines and principles governing administration and the
17 county highway commissioner shall have the administrative powers and duties
18 prescribed for the county highway committee under par. (a), sub. (3) (a) and ss.
19 27.065 (4) (b) and (13), 32.05 (1) (a), 82.08, 83.01 (6), 83.013, 83.018, 83.025 (1) and
20 (3), 83.026, 83.035, 83.04, 83.05 (1), 83.07 to 83.09, 83.12, 83.14 (6), 83.17, 83.18,
21 83.42 (3) and (4), 84.01 (5), 84.06 (3), 84.07 (1) and (2), 84.09 (1), (3) (a) to (c) and (4),
22 84.10 (1), 86.04 (1) and (2), 86.07 (2), 86.19 (3), 86.34 ~~(1)~~ (1m), 114.33 (5), 349.07 (2),
23 349.11 (4) and (10) and 349.15 (2). No statutory power, duty or function specified
24 elsewhere for the county highway commissioner may be deemed impliedly repealed
25 for the sole reason that reference to it has been omitted in this paragraph.

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1 **SECTION 1515m.** 84.01 (13) of the statutes is amended to read:

2 84.01 (13) ENGINEERING SERVICES. The department may engage such
3 engineering, consulting, surveying, or other specialized services as it deems
4 advisable. Any engagement of services under this subsection is exempt from ss.
5 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and
6 16.754 apply to such engagement. Any engagement involving an expenditure of
7 \$3,000 or more shall be by formal contract approved by the governor. The
8 department shall conduct a uniform cost-benefit analysis, as defined in s. 16.70 (3g),
9 of each proposed engagement under this subsection that involves an estimated
10 expenditure of more than \$25,000 in accordance with standards prescribed by rule
11 of the department. The department shall review periodically, and before any
12 renewal, the continued appropriateness of contracting pursuant to each engagement
13 under this subsection that involves an estimated expenditure of more than \$25,000.

14 **SECTION 1516.** 84.01 (30) (g) 3. of the statutes is amended to read:

15 84.01 (30) (g) 3. Notwithstanding any other statute except ss. 13.48 (14) (am)
16 and 16.848 (1), the department may sell, at the appraised value, the real estate upon
17 which a park-and-ride facility is or may be located, if the department determines
18 that the sale is in the best interests of the public and the department determines that
19 the real estate will be used in a manner consistent with the state's transportation
20 interests.

21 **SECTION 1517.** 84.01 (33) (intro.) of the statutes is amended to read:

22 84.01 (33) HIGHWAY PROJECT DESIGN INVENTORY. (intro.) By July 1, 2014, and
23 continuously thereafter, the department shall maintain an inventory of completed
24 designs for highway projects such that the estimated costs of the inventory of projects
25 for each program is not less than ~~65~~ 30 percent of the annual amount of funding

1 provided to each program. The department shall maintain an inventory for each of
2 the following:

3 **SECTION 1518.** 84.01 (36) of the statutes is created to read:

4 84.01 (36) SPONSORSHIP AGREEMENTS. (a) In this subsection, “sponsor” means
5 any person, whether public or private, that enters into an agreement with the
6 department under par. (b).

7 (b) Notwithstanding ss. 86.19 (1) and 86.191 (1), the department may enter into
8 sponsorship agreements under which the department displays advertising,
9 promotional, or sponsorship material, or other information, associated with the
10 sponsor at locations owned or controlled by the department in exchange for the
11 sponsor’s payment of fees or provision of services to the department. Sponsorship
12 agreements may include sponsor recognition placed on such property of the
13 department as department documents, highway maps, the department’s Internet
14 site, department vehicles, and equipment owned or controlled by the department.

15 (d) All fees received under this subsection shall be deposited in the general fund
16 and credited to the appropriation account under s. 20.395 (3) (eg).

17 (e) For each agreement under par. (b), the contract shall be awarded on the
18 basis of competitive proposals in accordance with procedures established by the
19 department. Requests for proposals shall be advertised in the manner determined
20 by the department. Each contract shall be awarded to the person submitting the
21 most advantageous competitive proposal as determined by the department. If the
22 proposal of the person submitting the most advantageous competitive proposal is
23 determined by the department to be less than the estimated reasonable value to the
24 department or not in the public interest, the department may reject all proposals.
25 The secretary shall enter into each contract on behalf of the state. Every such

1 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but
2 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract.

3 **SECTION 1519.** 84.013 (3) (ak) of the statutes is repealed.

4 **SECTION 1520.** 84.013 (3) (dm) of the statutes is repealed.

5 **SECTION 1521.** 84.013 (3) (kb) of the statutes is repealed.

6 **SECTION 1522.** 84.013 (3) (pe) of the statutes is repealed.

7 **SECTION 1523.** 84.013 (3) (rg) of the statutes is repealed.

8 **SECTION 1524.** 84.013 (3) (rp) of the statutes is repealed.

9 **SECTION 1525.** 84.013 (3) (te) of the statutes is repealed.

10 **SECTION 1526.** 84.013 (3) (tg) of the statutes is repealed.

11 **SECTION 1527.** 84.013 (3) (tm) of the statutes is repealed.

12 **SECTION 1528.** 84.013 (3) (tp) of the statutes is repealed.

13 **SECTION 1529.** 84.013 (3) (tv) of the statutes is repealed.

14 **SECTION 1530.** 84.013 (3) (tx) of the statutes is repealed.

15 **SECTION 1531.** 84.013 (3) (wg) of the statutes is repealed.

16 **SECTION 1532.** 84.013 (3) (yd) of the statutes is repealed.

17 **SECTION 1533.** 84.013 (3m) (a) of the statutes is repealed.

18 **SECTION 1534.** 84.013 (3m) (b) of the statutes is repealed.

19 **SECTION 1534f.** 84.013 (3m) (g) of the statutes is created to read:

20 84.013 (3m) (g) The department shall begin construction of the following
21 projects no later than December 31, 2015:

22 1. A grade-separated interchange at CTH “V” and USH 151 in Fond du Lac
23 County.

24 2. A grade-separated crossing of CTH “T” over USH 151 in Fond du Lac County.

25 **SECTION 1534g.** 84.013 (3m) (j) of the statutes is created to read:

1 84.013 (3m) (j) Notwithstanding s. 13.489 (1m) (e), the department shall, in the
2 2013–15 fiscal biennium, commence the preparation of an environmental impact
3 statement, as defined in s. 13.489 (1c) (b), for a major highway project involving a
4 proposed east arterial highway that begins at the intersection of STH 54 and STH
5 73 in the village of Port Edwards and extends to the intersection of STH 54 and CTH
6 “W” in the city of Wisconsin Rapids and that includes a new crossing of the Wisconsin
7 River.

8 **SECTION 1534h.** 84.013 (3m) (k) of the statutes is created to read:

9 84.013 (3m) (k) Notwithstanding s. 13.489 (1m) (e), the department shall, in
10 the 2013–15 fiscal biennium, commence the preparation of an environmental impact
11 statement, as defined in s. 13.489 (1c) (b), for a proposed major highway project
12 involving USH 12 from the city of Elkhorn to the city of Whitewater.

13 **SECTION 1535.** 84.014 (5r) of the statutes is repealed.

14 **SECTION 1536.** 84.0145 (2) of the statutes is amended to read:

15 84.0145 (2) Subject to sub. (3) and s. 86.255, any southeast Wisconsin freeway
16 megaproject may be funded only from the appropriations under ss. 20.395 (3) (aq),
17 (av), (ax), and (ct) and 20.866 (2) (uup) and (uur).

18 **SECTION 1537.** 84.017 (2) of the statutes is amended to read:

19 84.017 (2) Subject to sub. (3) and s. 86.255, any high–cost state highway bridge
20 project may be funded only from the appropriations under ~~s. ss.~~ 20.395 (3) (dr), (dw),
21 and (dy) and 20.866 (2) (uup).

22 **SECTION 1537g.** 84.017 (3) of the statutes is renumbered 84.017 (3) (a).

23 **SECTION 1537h.** 84.017 (3) (b) of the statutes is created to read:

24 84.017 (3) (b) 1. Subject to subd. 2., during the 2013–15 fiscal biennium, the
25 department may encumber or expend moneys from any of the appropriations under

1 s. 20.395 (3) (aq), (av), (ax), (br), (bq), (bv), (bx), (cq), (cv), and (cx) for any costs
2 associated with the reconstruction of the Hoan Bridge, including approaches, that
3 exceed \$226,000,000.

4 2. The department may not encumber or expend more than \$10,000,000 from
5 the appropriations specified in subd. 1. during the 2013–15 fiscal biennium for the
6 purpose specified in subd. 1. unless the department submits to the joint committee
7 on finance a request for authorization to encumber or expend the moneys and the
8 joint committee on finance approves the request.

9 **SECTION 1538.** 84.02 (5) (a) of the statutes is amended to read:

10 84.02 (5) (a) As often as it deems necessary, the department shall publish
11 highway service maps showing the state trunk highway system and such other main
12 highways and other features as may seem desirable. Such highway service maps
13 shall be sold by the department at a price to be fixed by it, which shall be not less than
14 cost. The department may permit the use of the base plates its digital base map data
15 for other maps and publications ~~in consideration of~~ and may charge a fair fee for such
16 use. The department shall make and publish or duplicate such highway service
17 maps as are required for its use, and, ~~in only one fiscal year of each fiscal biennium,~~
18 shall publish folded highway maps of Wisconsin for free distribution to the public.
19 The department shall ensure that the folded highway maps bear information
20 regarding the requirements of s. 347.48 (4).

21 **SECTION 1539.** 84.06 (1) of the statutes is renumbered 84.06 (1) (intro.) and
22 amended to read:

23 84.06 (1) DEFINITIONS. (intro.) In this section:

24 (a) Subject to par. (b), “improvement” or “highway improvement” includes
25 construction, all of the following:

1 1. Construction, reconstruction, rehabilitation, and processes incidental to
2 building, fabricating, or bettering a highway or street, ~~but not maintenance. The~~
3 ~~terms do not include the.~~

4 **(b) 2.** The installation, replacement, rehabilitation, or maintenance of highway
5 signs, traffic control signals, highway lighting, or pavement markings, or the
6 maintenance of traffic control signals or intelligent transportation systems, unless
7 incidental to building, fabricating, or bettering a highway or street.

8 **SECTION 1540.** 84.06 (1) (a) 2. of the statutes is created to read:

9 84.06 (1) (a) 2. Highway operations or activities that are life-cycle or
10 investment driven and that are based on an asset management philosophy in which
11 taking action adds service life by preventing or delaying deterioration of highway
12 system functionality.

13 **SECTION 1541.** 84.06 (1) (b) (intro.) and 1. of the statutes are created to read:

14 84.06 (1) (b) (intro.) “Improvement” or “highway improvement” does not
15 include any of the following:

16 1. Maintenance activities described in s. 84.07 (1).

17 **SECTION 1542m.** 84.06 (13) of the statutes is created to read:

18 **84.06 (13) EXPENDITURES FOR INTELLIGENT TRANSPORTATION SYSTEMS AND TRAFFIC**
19 **CONTROL SIGNALS.** (a) The installation, replacement, or rehabilitation of traffic control
20 signals and intelligent transportation systems, not incidental to another highway
21 improvement, may be funded only from the appropriations under s. 20.395 (3) (eq),
22 (et), (ev), (eu), (ex), and (ez).

23 (b) No later than September 1, 2014, and annually thereafter until September
24 1, 2019, the department shall prepare and submit a report under s. 13.172 (3) to the
25 standing committees of the legislature with jurisdiction over transportation matters

1 on the expenditures from s. 20.395 (3) (et), (eu), and (ez) and on any other pertinent
2 information related to traffic signals and intelligent transportation systems.

3 **SECTION 1543.** 84.07 (1) of the statutes is amended to read:

4 84.07 (1) ~~STATE EXPENSE, WHEN DONE BY COUNTY OR MUNICIPALITY~~ ROUTINE
5 MAINTENANCE. The Subject to sub. (1r), the state trunk highway system shall be
6 maintained by the state at state expense. The department shall prescribe by rule
7 specifications for such maintenance and may contract with any county highway
8 committee or municipality to have all or certain parts of the work of maintaining the
9 state trunk highways within or beyond the limits of the county or municipality,
10 including interstate bridges, performed by the county or municipality, and any
11 county or municipality may enter into such contract. ~~General maintenance~~
12 Maintenance activities include the application of protective coatings, the removal
13 and control of snow, the removal, treatment and sanding of ice, interim repair of
14 highway surfaces and adjacent structures, and all other operations, activities and
15 processes required on a regular, continuing basis for the preservation of the
16 highways on the state trunk system, and including the care and protection of trees
17 and other roadside vegetation and suitable planting to prevent soil erosion or to
18 beautify highways pursuant to s. 66.1037, and all routine measures deemed
19 necessary to provide adequate traffic service. ~~Special maintenance activities include~~
20 ~~the restoration, reinforcement, complete repair or other activities which the~~
21 ~~department deems are necessary on an individual basis for specified portions of the~~
22 ~~state trunk system.~~ Maintenance activities also include the installation,
23 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~
24 highway lighting, and pavement markings, and the maintenance of traffic control
25 signals and intelligent transportation systems. The department may contract with

1 a private entity for services or materials or both associated with the installation,
2 replacement, rehabilitation, or maintenance of highway signs, ~~traffic control signals,~~
3 highway lighting, and pavement markings, and the maintenance of traffic control
4 signals and intelligent transportation systems.

5 **SECTION 1544.** 84.07 (1r) of the statutes is created to read:

6 84.07 (1r) SPONSORSHIP AGREEMENTS. The department may enter into
7 sponsorship agreements under s. 84.01 (36) that require the sponsor to perform
8 maintenance activities, in accordance with the department's standards, for the
9 benefit of the department.

10 **SECTION 1545.** 84.07 (2) of the statutes is renumbered 84.07 (2) (a) and
11 amended to read:

12 84.07 (2) (a) ~~When~~ Except as provided in par. (b), when any county or
13 municipality maintains the state trunk highways within or beyond the limits of the
14 county or municipality, including interstate bridges, in compliance with the
15 arrangement with the department, the department shall pay the actual cost of the
16 maintenance, including the allowance for materials and the use of county or
17 municipal machinery and overhead expenses agreed upon in advance. ~~The~~ Except
18 as provided in par. (b), the payments shall be made upon presentation by the county
19 highway committee or municipal clerk of a properly itemized and verified account.
20 ~~The~~ For payments made under this paragraph, the county highway committee or
21 municipal clerk shall present the itemized accounts for general maintenance work
22 no later than one month following the period during which the work is performed.

23 **SECTION 1546.** 84.07 (2) (b) of the statutes is created to read:

24 84.07 (2) (b) When any county or municipality maintains the state trunk
25 highways within or beyond the limits of the county or municipality, including

1 interstate bridges, in compliance with the arrangement with the department, the
2 department and the county or municipality may agree to a payment method and
3 terms other than that specified in par. (a), including payment according to a contract
4 price for maintenance services rather than payment of the actual cost of the
5 maintenance.

6 **SECTION 1547.** 84.09 (1) of the statutes is amended to read:

7 84.09 (1) The department may acquire by gift, devise, purchase or
8 condemnation any lands for establishing, laying out, widening, enlarging,
9 extending, constructing, reconstructing, improving and maintaining highways and
10 other transportation related facilities, or interests in lands in and about and along
11 and leading to any or all of the same; and after establishment, layout and completion
12 of such improvements, the department may, subject to any prior action under s. 13.48
13 (14) (am) or 16.848 (1), convey such lands thus acquired and not necessary for such
14 improvements, with reservations concerning the future use and occupation of such
15 lands so as to protect such public works and improvements and their environs and
16 to preserve the view, appearance, light, air and usefulness of such public works.
17 Whenever the department deems it necessary to acquire any such lands or interests
18 therein for any transportation related purpose, it shall so order and in such order or
19 on a map or plat show the old and new locations and the lands and interests required,
20 and shall file a copy of the order and map with the county clerk and county highway
21 committee of each county in which such lands or interests are required or, in lieu of
22 filing a copy of the order and map, may file or record a plat in accordance with s.
23 84.095. For the purposes of this section the department may acquire private or public
24 lands or interests in such lands. When so provided in the department's order, such
25 land shall be acquired in fee simple. Unless it elects to proceed under sub. (3), the

1 department shall endeavor to obtain easements or title in fee simple by conveyance
2 of the lands or interests required at a price, including any damages, deemed
3 reasonable by the department. The instrument of conveyance shall name the state
4 as grantee and shall be recorded in the office of the register of deeds. The purchase
5 or acquisition of lands or interests therein under this section is excepted and exempt
6 from s. 20.914 (1). The department may purchase or accept donations of remnants
7 of tracts or parcels of land existing at the time or after it has acquired portions of such
8 tracts or parcels by purchase or condemnation for transportation purposes where in
9 the judgment of the department such action would assist in making whole the
10 landowner, a part of whose lands have been taken for transportation purposes and
11 would serve to minimize the overall costs of such taking by the public. This
12 subsection does not apply to lands that are sold under s. 16.848.

13 **SECTION 1548.** 84.09 (5) (a) of the statutes is amended to read:

14 84.09 (5) (a) Subject to pars. (b) and (c) and any prior action under s. 13.48 (14)
15 (am) or 16.848 (1), and subject to the approval of the governor, the department may
16 sell at public or private sale property of whatever nature owned by the state and
17 under the jurisdiction of the department when the department determines that the
18 property is no longer necessary for the state's use for transportation purposes and,
19 if real property, the real property is not the subject of a petition under s. 16.310 (2).
20 The department shall present to the governor a full and complete report of the
21 property to be sold, the reason for the sale, and the minimum price for which the same
22 should be sold, together with an application for the governor's approval of the sale.
23 The governor shall thereupon make such investigation as he or she may deem
24 necessary and approve or disapprove the application. Upon such approval and
25 receipt of the full purchase price, the department shall by appropriate deed or other

1 instrument transfer the property to the purchaser. The approval of the governor is
2 not required for public or private sale of property having an appraised value at the
3 time of sale of not more than \$15,000, for the transfer of surplus state real property
4 to the department of administration under s. 16.310, or for the transfer of surplus
5 state personal property to the department of tourism under sub. (5s). The funds
6 derived from sales under this subsection shall be deposited in the transportation
7 fund, and the expense incurred by the department in connection with the sale shall
8 be paid from such fund.

9 **SECTION 1549.** 84.09 (5) (c) 1. (intro.) of the statutes is amended to read:

10 84.09 (5) (c) 1. (intro.) ~~Prior~~ Subject to any prior action under s. 13.48 (14) (am)
11 or 16.848 (1), prior to conducting a public sale on a generally marketable surplus land
12 parcel under par. (b), the department shall contact the county, municipality, and the
13 local school district where the land parcel is located and the department of natural
14 resources to solicit interest in acquiring the parcel for public use. Upon notification
15 from the department, the county, municipality, local school district, and department
16 of natural resources must respond to the department, stating their interest in the
17 land for public use, within 60 days. Failure to respond within 60 days constitutes
18 noninterest in the land parcel.

19 **SECTION 1550.** 84.09 (5) (c) 2. (intro.) of the statutes is amended to read:

20 84.09 (5) (c) 2. (intro.) Except as provided in subd. 2m. and subject to any prior
21 action under s. 13.48 (14) (am) or 16.848 (1), if a county, a municipality, a local school
22 district, or the department of natural resources expresses interest in acquiring the
23 land for public use, the department shall offer the county, municipality, local school
24 district, or department of natural resources the property at its appraised value if all
25 of the following are true:

1 **SECTION 1551.** 84.09 (5) (c) 2m. (intro.) of the statutes is amended to read:

2 84.09 (5) (c) 2m. (intro.) If a county, municipality, or a local school district
3 expresses interest in acquiring the land for public use related to transportation or
4 infrastructure, the department may, subject to any prior action under s. 13.48 (14)
5 (am) or 16.848 (1), offer the county, municipality, or the local school district the
6 property, for less than the appraised value of the property, if all of the following are
7 true:

8 **SECTION 1552.** 84.09 (5m) of the statutes is amended to read:

9 84.09 (5m) Subject to the approval of the governor in the manner, scope, and
10 form provided by sub. (5) (a), and subject to any prior action under s. 13.48 (14) (am)
11 or 16.848 (1), the department may convey lands or interests therein acquired
12 pursuant to this section and improvements installed thereon to municipalities
13 within whose limits such lands or interests therein are located. The conveyance of
14 said lands or interests therein and improvements shall restrict the use of the
15 premises by the municipality to the uses for which they were acquired, except that
16 said lands or interests therein declared by the department to be excess may be so
17 conveyed without restrictions as to use. This subsection shall apply only to the sale
18 of property acquired by the department for a project that is completed before May 25,
19 2006. The department may sell property that is acquired by the department for a
20 project that is completed after May 25, 2006, to a municipality under sub. (5) (c), as
21 applicable.

22 **SECTION 1553.** 84.09 (6) of the statutes is amended to read:

23 84.09 (6) Lands Subject to any prior action under s. 13.48 (14) (am) or 16.848
24 (1), lands held by any other state department or independent agency may, with the
25 approval of the governor, be conveyed to the department in the manner prescribed

1 by statute and, if none is prescribed, then by a conveyance authorized by appropriate
2 order or resolution of the head of the department or independent agency concerned.

3 **SECTION 1554.** 84.09 (9) of the statutes is repealed.

4 **SECTION 1554m.** 84.10355 of the statutes is created to read:

5 **84.10355 Governor Patrick Lucey Highway.** The department shall
6 designate the route of STH 35 from the village of Ferryville in Crawford County to
7 the city of Prairie du Chien in Crawford County as the “Governor Patrick Lucey
8 Highway” in recognition and appreciation of Patrick J. Lucey, who served with
9 distinction as both the governor of Wisconsin from 1971 to 1977 and as the U.S.
10 Ambassador to Mexico from 1977 to 1979. The department shall mark this route, by
11 erecting and maintaining appropriate signs, to clearly identify to motorists the route
12 as the “Governor Patrick Lucey Highway.”

13 **SECTION 1555.** 84.29 (5) of the statutes is amended to read:

14 **84.29 (5) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS.** In the
15 furtherance of the public interest and general welfare of the state and the traveling
16 public in the development of the interstate system, the department is authorized and
17 empowered to construct grade separations at intersections of any interstate highway
18 with other public highways and railroads and to change and adjust the lines of public
19 highways and if necessary combine or relocate the same to adjust traffic service to
20 grade separation structures. The entire cost of grade separations and relocations
21 and alterations of local roads as so determined by the department shall be a part of
22 the construction of and financed as a part of the cost of the interstate highway. The
23 department may by agreement with a county or municipality or by order summarily
24 vacate or relocate any town, county, city or village highway as part of the construction
25 of an interstate highway but shall pay any damage legally payable under existing

1 law to any property owner directly injured by the vacation or relocation of such street
2 or highway. The department is empowered to enter into agreement with the unit of
3 government having jurisdiction over the local highway relocated or altered as a part
4 of the interstate highway improvement with respect to maintenance thereof, and in
5 the absence of mutual agreement to the contrary, such relocated or altered highway
6 shall be maintained by the unit of government having jurisdiction thereof before it
7 was so relocated or altered, except any parts thereof which the department
8 determines to be useful in the operation of or for access to the interstate highway,
9 which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the
10 interstate highway. The action by the department relative to vacation and relocation
11 or combining a public highway under jurisdiction of any county, town, city or village
12 shall be conclusive.

13 **SECTION 1556.** 84.295 (6) of the statutes is amended to read:

14 84.295 (6) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the
15 furtherance of the public interest and general welfare of the state and the traveling
16 public in the development of freeways or expressways, the department is authorized
17 and empowered to construct grade separations at intersections of any freeway or
18 expressway with other public highways and railroads and to change and adjust the
19 lines of public highways and if necessary combine, relocate or extend the same to
20 adjust traffic service to grade separation structures. The entire cost of grade
21 separations and relocations, alterations or extensions of local roads as so determined
22 by the department shall be a part of the construction of and financed as a part of the
23 cost of the freeway or expressway. The department may by agreement with a county
24 or municipality or by order summarily vacate or relocate any town, county, city or
25 village highway as part of the construction of a freeway or expressway but shall pay

1 any damage legally payable under existing law to any property owner directly
2 injured by the vacation or relocation of such street or highway. The department is
3 empowered to enter into agreement with the units of government having jurisdiction
4 over a local highway relocated, altered or extended as a part of the freeway or
5 expressway improvement with respect to maintenance thereof, and in the absence
6 of mutual agreement to the contrary, such relocated, altered or extended highway
7 shall be maintained by the unit of government having jurisdiction thereof before it
8 was so relocated, altered or extended, except any parts thereof which the department
9 determines to be useful in operation of or for access to the freeway or expressway,
10 including structures over the freeway or expressway, which parts shall be
11 maintained by the state, subject to s. 84.07 (1r), as a part of the freeway or
12 expressway. The action by the department relative to vacation, relocation, extension
13 or combining of a public highway under jurisdiction of any county, town, city or
14 village shall be conclusive.

15 **SECTION 1556m.** 84.30 (5r) (title) of the statutes is amended to read:

16 84.30 (5r) (title) SIGNS NONCONFORMING UNDER LOCAL ORDINANCES THAT ARE
17 ~~REALIGNED~~ RELOCATED BECAUSE OF STATE HIGHWAY PROJECTS.

18 **SECTION 1556n.** 84.30 (5r) (a) of the statutes is renumbered 84.30 (5r) (a)
19 (intro.) and amended to read:

20 84.30 (5r) (a) (intro.) In this subsection, ~~“realignment” means relocation on the~~
21 ~~same site.~~

22 **SECTION 1556p.** 84.30 (5r) (a) 1. of the statutes is created to read:

23 84.30 (5r) (a) 1. “Municipality” means a city, village, or town.

24 **SECTION 1556q.** 84.30 (5r) (a) 2. of the statutes is created to read:

1 84.30 (5r) (a) 2. “Relocation” means the dismantling and moving of a sign to
2 a new location within the same municipality or the removal of a sign and erection of
3 a replacement sign, constructed of new materials, at a new location within the same
4 municipality.

5 **SECTION 1556r.** 84.30 (5r) (b) of the statutes is amended to read:

6 84.30 (5r) (b) If a highway project of the department causes the ~~realignment~~
7 relocation of a sign that does not conform to a local ordinance, the ~~realignment~~
8 relocation shall not affect the sign’s nonconforming status under the ordinance.

9 **SECTION 1556s.** 84.30 (5r) (c) of the statutes is amended to read:

10 84.30 (5r) (c) If in connection with a highway project of the department the
11 department proposes the ~~realignment~~ relocation or condemnation of a sign that does
12 not conform to a local ordinance, the sign owner may elect to relocate the sign within
13 the same municipality. If the sign owner does not make such an election and the
14 department proposes the relocation of the sign, the department shall notify the
15 governing body of the municipality or county where the sign is located and which
16 adopted the ordinance of the sign’s proposed ~~realignment~~ relocation. Upon receiving
17 this notice, the governing body may petition the department to acquire the sign and
18 any real property interest of the sign owner. If the department succeeds in
19 condemning the sign, the governing body that made the petition to the department
20 shall pay to the department an amount equal to the condemnation award, less
21 relocation costs for the sign that would have been paid by the department if the sign
22 had been ~~realigned~~ relocated rather than condemned. Notwithstanding s. 86.30 (2)
23 (a) 1. and (b) 1., 1g., and 1r., if the governing body fails to pay this amount, the
24 department may reduce the municipality’s or county’s general transportation aid
25 payment under s. 86.30 by an equal amount.

SECTION 1556t. 84.30 (5r) (e) of the statutes is created to read:

84.30 (5r) (e) If a highway project of the department causes the relocation of a sign that does not conform to a local ordinance, all of the following shall apply with respect to relocation of the sign:

1. The size of the sign face, and the number of sign faces on the sign, after relocation shall be the same as prior to relocation.

2. The height of the sign, as measured from road-grade level of the highway from which motorists are intended to view the sign, after relocation shall be equal to or greater than the height above road-grade prior to relocation.

3. The new location for the sign shall meet all requirements for a sign permit under this section, to the extent the department issues permits for signs.

SECTION 1557. 84.40 (2) (a) of the statutes is amended to read:

84.40 (2) (a) ~~May~~ Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), may sell and convey to a nonprofit-sharing corporation any public right-of-way available for highway purposes and any existing highways or other improvements thereon owned by the state or under the jurisdiction of the department for such consideration and upon such terms and conditions as the department deems in the public interest.

SECTION 1558. 84.555 (1m) of the statutes is amended to read:

84.555 (1m) Notwithstanding sub. (1) and ss. 84.51 and 84.59, the proceeds of general obligation bonds issued under s. 20.866 (2) (uum) are allocated for expenditure obligations under s. 84.95 and s. 84.014 and, the proceeds of general obligation bonds issued under s. 20.866 (2) (uup) may be used to fund expenditure obligations for the Marquette interchange reconstruction project under s. 84.014, for the reconstruction of the I 94 north-south corridor, as defined in s. 84.014 (5m) (ag)

1 1., for the reconstruction of the Zoo interchange, as defined in s. 84.014 (5m) (ag) 2.,
2 and for southeast Wisconsin freeway megaprojects under s. 84.0145, and for
3 high-cost state highway bridge projects under s. 84.017, and the proceeds of general
4 obligation bonds issued under s. 20.866 (2) (uur) may be used to fund expenditure
5 obligations for southeast Wisconsin freeway megaprojects under s. 84.0145.

6 **SECTION 1559.** 84.59 (6) of the statutes is amended to read:

7 84.59 (6) The building commission may contract revenue obligations when it
8 reasonably appears to the building commission that all obligations incurred under
9 this section can be fully paid from moneys received or anticipated and pledged to be
10 received on a timely basis. Except as provided in this subsection, the principal
11 amount of revenue obligations issued under this section may not exceed
12 ~~\$3,351,547,300~~ \$3,768,059,300, excluding any obligations that have been defeased
13 under a cash optimization program administered by the building commission, to be
14 used for transportation facilities under s. 84.01 (28) and major highway projects for
15 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
16 amount, the building commission may contract revenue obligations under this
17 section as the building commission determines is desirable to refund outstanding
18 revenue obligations contracted under this section, to make payments under
19 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
20 to revenue obligations issued under this section, and to pay expenses associated with
21 revenue obligations contracted under this section.

22 **SECTION 1559w.** 85.0205 of the statutes is created to read:

23 **85.0205 Expenditures for aesthetic elements.** (1) Except as provided in
24 subs. (2) and (3), the department may not expend more than 1.5 percent of the project
25 costs of any highway improvement project on elements that the department

determines are primarily related to the aesthetic preferences of communities adjacent to the project, generally known as community sensitive solutions.

(2) Subsection (1) does not apply if any of the following apply:

(a) The elements are included in a federal record of decision or similar federal project approval issued prior to the effective date of this section [LRB inserts date].

(b) The inclusion of the elements is required to receive approval for the use of federal funds on the project.

(3) The department may expend more than the amount permitted under sub. (1) if the expenditures in excess of the amount permitted are reimbursed by another party.

SECTION 1560. 85.021 of the statutes is created to read:

85.021 Transportation alternatives program. (1) **DEFINITIONS.** In this section:

(a) “Eligible entity” has the meaning given in 23 USC 213 (c) (4) (B).

(b) “Transportation alternatives” has the meaning given in 23 USC 101 (a).

(2) **PROGRAM.** (a) The department may administer a program to award grants of assistance to any eligible entity for transportation alternatives activities consistent with federal regulations promulgated under 23 USC 213. The grants shall be awarded from the appropriations under s. 20.395 (2) (js), (jv), and (jx).

(b) Any project for which a grant is awarded under par. (a) shall be commenced within 4 years from the date that the grant is awarded. For purposes of this paragraph, a planning project is commenced when a planning study is begun and an infrastructure project is commenced when construction is begun.

SECTION 1561. 85.024 of the statutes is repealed.

1 **SECTION 1562.** 85.026 of the statutes is repealed.

2 **SECTION 1563.** 85.027 of the statutes is repealed.

3 **SECTION 1564.** 85.029 of the statutes is repealed.

4 **SECTION 1564e.** 85.063 (title) and (1) (intro.) and (b) of the statutes are
5 repealed.

6 **SECTION 1564m.** 85.063 (1) (c) of the statutes is renumbered 182.017 (1g) (ct)
7 and amended to read:

8 182.017 (1g) (ct) “Urban rail transit system” means a system, either publicly
9 or privately owned, which ~~will provide~~ provides transportation by rail in a
10 municipality to the public on a regular and continuing basis and which begins service
11 on or after the effective date of this paragraph ... [LRB inserts date].

12 **SECTION 1564s.** 85.063 (2) and (3) of the statutes are repealed.

13 **SECTION 1565.** 85.09 (2) (a) of the statutes is amended to read:

14 85.09 (2) (a) The department of transportation shall have the first right to
15 acquire, for present or future transportation or recreational purposes, any
16 property used in operating a railroad or railway, including land and rails, ties,
17 switches, trestles, bridges, and the like located on that property, that has been
18 abandoned. The department of transportation may, in connection with abandoned
19 rail property, assign this right to a state agency, the board of regents of the University
20 of Wisconsin System, any county or municipality, or any transit commission.
21 Acquisition by the department of transportation may be by gift, purchase, or
22 condemnation in accordance with the procedure under s. 32.05. In addition to its
23 property management authority under s. 85.15, the department of transportation
24 may, subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), lease and collect
25 rents and fees for any use of rail property pending discharge of the department’s duty

1 to convey property that is not necessary for a public purpose. No person owning
2 abandoned rail property, including any person to whom ownership reverts upon
3 abandonment, may convey or dispose of any abandoned rail property without first
4 obtaining a written release from the department of transportation indicating that
5 the first right of acquisition under this subsection will not be exercised or assigned.
6 No railroad or railway may convey any rail property prior to abandonment if the rail
7 property is part of a rail line shown on the railroad's system map as in the process
8 of abandonment, expected to be abandoned, or under study for possible
9 abandonment unless the conveyance or disposal is for the purpose of providing
10 continued rail service under another company or agency. Any conveyance made
11 without obtaining such release is void. The first right of acquisition of the
12 department of transportation under this subsection does not apply to any rail
13 property declared by the department to be abandoned before January 1, 1977. The
14 department of transportation may acquire any abandoned rail property under this
15 section regardless of the date of its abandonment.

16 **SECTION 1566.** 85.09 (4) of the statutes is amended to read:

17 85.09 (4) ACQUISITION AND CONVEYANCE. Upon its own initiative, the department
18 may determine at any time whether the rail property is abandoned, and whether it
19 is in the best interest of the state to acquire the rail property. Within 90 days after
20 being requested by any state agency, any railroad or any county or municipality in
21 which the rail property is located, the department shall, subject to sub. (5) (b), make
22 a determination of the abandonment status and, if found to be abandoned, shall
23 determine whether it is in the best interest of the public to acquire the rail property.
24 If it is determined to acquire the rail property or any part or interest therein, the
25 department shall, within 180 days of the determination of its abandoned status, or

1 the interstate commerce commission's final order permitting the abandonment, or
2 the termination of any efforts to negotiate an agreement for continual operation of
3 rail service on the line, whichever occurs last, determine the fair market value of the
4 rail property and acquire the rail property at a price deemed reasonable by the
5 department or make a relocation order under s. 32.05. In making its determination,
6 the department shall consider long-range potential for use of the rail property for
7 restoration of railroad service and for other transportation related purposes. The
8 department shall solicit the opinions of appropriate state agencies, affected counties
9 and municipalities and other interested persons. The department shall give due
10 consideration to an expressed desire by a state agency or an affected county or
11 municipality to acquire, in whole or in part, the rail property under consideration.
12 Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1) and subject to sub.
13 (6), all or part of any interest in abandoned rail property acquired by the department
14 under this section or under s. 66.941 (7), 1975 stats., may be subsequently conveyed
15 to another state agency or a county or municipality for transportation purposes,
16 recreational purposes, scenic purposes or for the purpose of constructing a
17 correctional institution, or to a railroad for continued railroad transportation
18 operations when the railroad has operated on the rail property for 5 years and the
19 department may make such conveyances for such purposes. Any determination of
20 the department under this section that rail property is not abandoned shall not
21 preclude the undertaking of a subsequent investigation and determination
22 concerning the same rail property or any portion thereof. If at any time subsequent
23 to the acquisition of rail property under this section the department determines that
24 the rail property is not suitable for transportation purposes, recreational purposes,
25 scenic purposes or for the purpose of constructing a correctional institution, or that

1 the rail property or any interest therein may be conveyed to any other person on
2 terms which are not inconsistent with the potential use of the rail property for
3 transportational purposes, recreational purposes, scenic purposes or for the purpose
4 of constructing a correctional institution or which yield a benefit, including financial
5 benefits, to the state which outweighs the benefit derived from the rail property if
6 used for transportational purposes, recreational purposes, scenic purposes or for the
7 purpose of constructing a correctional institution, the department may convey the
8 rail property or such interest therein, subject to any prior action under s. 13.48 (14)
9 (am) or 16.848 (1) and subject to sub. (6). The department shall give notice of its
10 intention to make the conveyance, and state and local units of government shall have
11 the first 6 months in which to exercise their opportunity to acquire the rail property
12 or interest therein. The railroad from which the rail property was acquired shall
13 have the next 6 months in which to exercise its opportunity to reacquire the rail
14 property or interest therein.

15 **SECTION 1567.** 85.09 (4i) of the statutes is amended to read:

16 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department, subject to any prior
17 action under s. 13.48 (14) (am) or 16.848 (1), shall sell at public or private sale rail
18 property acquired under sub. (4) when the department determines that the rail
19 property is not necessary for a public purpose and, if real property, the real property
20 is not the subject of a petition under s. 16.310 (2). Upon receipt of the full purchase
21 price, the department shall, by appropriate deed or other instrument, transfer the
22 rail property to the purchaser. The funds derived from sales under this subsection
23 shall be deposited in the transportation fund, and the expense incurred by the
24 department in connection with the sale shall be paid from the appropriation under

1 s. 20.395 (2) (bq). ~~This subsection does not apply to real property that is sold under~~
2 ~~s. 16.848.~~

3 **SECTION 1568.** 85.15 (1) of the statutes is amended to read:

4 85.15 (1) The Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1),
5 the department may improve, use, maintain or lease any property acquired for
6 highway, airport or any other transportation purpose until the property is actually
7 needed for any such purpose and may permit use of the property for purposes and
8 upon such terms and conditions as the department deems in the public interest.

9 **SECTION 1568m.** 85.19 (1) of the statutes is amended to read:

10 85.19 (1) STANDARDS. The department, in consultation with the department of
11 natural resources under s. 281.33 (3) (a) 2., shall, by rule, establish standards for the
12 control of soil erosion related to highway and bridge construction that is funded in
13 whole or in part with state or federal funds. ~~At a minimum, the~~ The standards shall
14 require the use of best management practices.

15 **SECTION 1569b.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

16 85.20 (4m) (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the
17 department shall pay ~~\$66,585,600 for aid payable for calendar year 2010,~~
18 ~~\$68,583,200 for aid payable for calendar year 2011, and \$61,724,900 for aid payable~~
19 ~~for calendar year years 2012 to 2014 and \$64,193,900 for calendar year 2015~~ and
20 thereafter, to the eligible applicant that pays the local contribution required under
21 par. (b) 1. for an urban mass transit system that has annual operating expenses of
22 \$80,000,000 or more. If the eligible applicant that receives aid under this subd. 6.
23 cm. is served by more than one urban mass transit system, the eligible applicant may
24 allocate the aid between the urban mass transit systems in any manner the eligible
25 applicant considers desirable.

1 **SECTION 1571d.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

2 85.20 (4m) (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the
3 department shall pay ~~\$17,496,400 for aid payable for calendar year 2010,~~
4 ~~\$18,021,300 for aid payable for calendar year 2011, and \$16,219,200 for aid payable~~
5 ~~for calendar year years 2012 to 2014 and \$16,868,000 for calendar year 2015~~ and
6 thereafter, to the eligible applicant that pays the local contribution required under
7 par. (b) 1. for an urban mass transit system that has annual operating expenses in
8 excess of \$20,000,000 but less than \$80,000,000. If the eligible applicant that
9 receives aid under this subd. 6. d. is served by more than one urban mass transit
10 system, the eligible applicant may allocate the aid between the urban mass transit
11 systems in any manner the eligible applicant considers desirable.

12 **SECTION 1574.** 85.20 (4m) (a) 7. a. of the statutes is amended to read:

13 85.20 (4m) (a) 7. a. From the appropriation under s. 20.395 (1) (hr), beginning
14 with aid payable for calendar year 2002 and for each calendar year thereafter, the
15 uniform percentage for each eligible applicant served by an urban mass transit
16 system operating within an urbanized area having a population as shown in the 2000
17 2010 federal decennial census of at least 50,000 or receiving federal mass transit aid
18 for such area, and not specified in subd. 6.

19 **SECTION 1576.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

20 85.20 (4m) (a) 7. b. For the purpose of making allocations under subd. 7. a., the
21 amounts for aids are ~~\$25,099,500 in calendar year 2010, \$25,852,500 in calendar~~
22 ~~year 2011, and \$23,267,200 in calendar year years 2012 and 2013, \$23,544,900 in~~
23 ~~calendar year 2014, and \$24,486,700 in calendar year 2015~~ and thereafter. These
24 amounts, to the extent practicable, shall be used to determine the uniform
25 percentage in the particular calendar year.

1 **SECTION 1577.** 85.20 (4m) (a) 8. a. of the statutes is amended to read:

2 85.20 **(4m)** (a) 8. a. From the appropriation under s. 20.395 (1) (hs), beginning
3 with aid payable for calendar year 2002 and for each calendar year thereafter, the
4 uniform percentage for each eligible applicant served by an urban mass transit
5 system operating within an area having a population as shown in the ~~2000~~ 2010
6 federal decennial census of less than 50,000 or receiving federal mass transit aid for
7 such area.

8 **SECTION 1579.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

9 85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the
10 amounts for aids are ~~\$5,681,600 in calendar year 2010, \$5,852,200 in calendar year~~
11 ~~2011, and \$5,267,000 in calendar year~~ years 2012 and 2013, \$4,989,300 in calendar
12 year 2014, and \$5,188,900 in calendar year 2015 and thereafter. These amounts, to
13 the extent practicable, shall be used to determine the uniform percentage in the
14 particular calendar year.

15 **SECTION 1581.** 85.63 of the statutes is created to read:

16 **85.63 Surveying reference station system.** (1) The department shall
17 administer a surveying reference station system consisting of all of the following:

18 (a) A passive system consisting of a network of monuments located throughout
19 the state that are used to generate latitude, longitude, and elevation data.

20 (b) An active surveying reference station system consisting of reference
21 stations statewide that continuously transmit global positioning system data to a
22 system server, and the server that receives and processes the data received from the
23 reference stations.

24 **(2)** The department may charge a fee for providing access to the system under
25 sub. (1) in an amount to be established by rule. All fees received under this

subsection shall be deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (jg).

SECTION 1581t. 86.19 (1g) of the statutes is created to read:

86.19 (1g) The department shall erect and maintain 3 directional signs, one viewable from the southbound lane of I 43 near the Highland Avenue and 11th Street exit in Milwaukee County, one viewable from the northbound lane of I 43 near the Michigan Street and 10th Street exit in Milwaukee County, and one viewable from the eastbound lane of I 794 near the James Lovell Street and St. Paul Avenue exit in Milwaukee County, for the Milwaukee Central Library. Each sign shall contain the words “Historic Milwaukee Public Library.” The department may not charge any fee related to any sign erected and maintained under this subsection.

SECTION 1581m. 86.195 (3) (b) 3. of the statutes is amended to read:

86.195 (3) (b) 3. Fifty percent of the sales price, as defined in s. 77.51 (15b), of the business is from the sale of food and food ingredients, as defined in s. 77.51 (3t), that are taxable under subch. III of ch. 77 or that are bakery items produced by the seller; and

SECTION 1581q. 86.30 (2) (a) 3. of the statutes is amended to read:

86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$2,055 in calendar year 2010 and \$2,117 in calendar year 2011~~ years 2013 and 2014 and \$2,202 in calendar year 2015 and thereafter.

SECTION 1581s. 86.30 (9) (b) of the statutes is amended to read:

86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to counties are ~~\$101,375,500 in calendar year 2010, \$104,416,800 in calendar year 2011, and \$94,615,600 in calendar year 2012~~ years

1 2013 and 2014 and \$98,400,200 in calendar year 2015 and thereafter. These
2 amounts, to the extent practicable, shall be used to determine the statewide county
3 average cost-sharing percentage in the particular calendar year.

4 **SECTION 1581u.** 86.30 (9) (c) of the statutes is amended to read:

5 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
6 the amounts for aids to municipalities are ~~\$318,939,100 in calendar year 2010,~~
7 ~~\$328,507,300 in calendar year 2011,~~ and \$308,904,300 in calendar year 2012 years
8 2013 and 2014 and \$321,260,500 in calendar year 2015 and thereafter. These
9 amounts, to the extent practicable, shall be used to determine the statewide
10 municipal average cost-sharing percentage in the particular calendar year.

11 **SECTION 1582.** 86.34 (title) of the statutes is amended to read:

12 **86.34 (title) Flood Disaster damage aids.**

13 **SECTION 1583.** 86.34 (1) of the statutes is renumbered 86.34 (1m), and 86.34
14 (1m) (a) and (b), as renumbered, are amended to read:

15 86.34 (1m) (a) When any ~~public highway, street, alley or bridge not on the state~~
16 ~~trunk highway system~~ is damaged by flood a disaster, the county highway
17 committee, or the governing body of the municipality having jurisdiction over the
18 maintenance thereof of the highway, may adopt a petition for aid under this section
19 and file a certified copy thereof of the petition with the department. To be eligible
20 for aid the petition shall be filed not later than 2 months after the occurrence of the
21 flood disaster damage, except as provided in par. (b). All such petitions shall state
22 the dates on which the flood disaster damage occurred and as nearly as practical
23 state the location, nature, and extent of the damage.

24 (b) The department may extend the filing deadline under par. (a) if it appears
25 reasonably likely that federal disaster aid may be forthcoming or when widespread

1 or continuous ~~flooding~~ disaster damage makes an evaluation of ~~flood~~ damage
2 difficult.

3 **SECTION 1584.** 86.34 (1g) of the statutes is created to read:

4 86.34 (1g) In this section:

5 (a) “Catastrophic highway failure” means the sudden failure of a major element
6 or segment of the highway system due to a cause that is external to a highway, but
7 does not include any failure primarily attributable to gradual and progressive
8 deterioration or lack of proper maintenance of a highway.

9 (b) “Disaster” means any of the following:

10 1. A severe storm, flood, fire, tornado, mudslide, or other natural event external
11 to a highway or a catastrophic highway failure.

12 2. An event or recurring damage caused by any governmental unit or person
13 acting under the direction or approval of, or permit issued by, any governmental unit
14 and in response to an event described in subd. 1.

15 (c) “Governmental unit” means the state or any state agency, as defined in s.
16 20.001 (1); any county, city, village, town, or other political subdivision of the state;
17 or the federal government or any of its agencies.

18 (d) “Highway” means a highway, as defined in s. 340.01 (22), that is not on the
19 state trunk highway system.

20 **SECTION 1585.** 86.34 (2) of the statutes is amended to read:

21 86.34 (2) The department shall make such investigation as it deems necessary
22 and within 6 months from the date of filing the petition shall make its determination
23 as to the granting of aid, the amount thereof, and the conditions under which it is
24 granted. In making its determination the department shall cause an estimate to be
25 made of the cost of repairing or replacing the facilities damaged or destroyed by the